REMARKS

The Examiner has maintained the current rejection. As set forth below, such rejection is still deficient. However, despite such deficiencies and in the spirit of expediting the prosecution of the present application, applicant has incorporated the subject matter of multiple dependent claims into each of the independent claims. Since the subject matter of such dependent claims was already considered by the Examiner, it is asserted that such claim amendments would **not** require new search and/or consideration.

The Examiner has rejected Claims 1, 3-6, 9, 11-14, 17, 18 and 21 under 35 U.S.C. 103(a) as being unpatentable over Fanning et al. (U.S. 6,742,023), in view of Sull (U.S. 2002/0069218), in further view of Cooper (U.S. 2001/0051996), in further view of Ritter (U.S. 2004/0199474). Applicant respectfully disagrees with this rejection, especially in view of the amendments made hereinabove to each of the independent claims.

The Examiner has responded to applicant's arguments and has stated that they are not persuasive. First, the Examiner has stated that a URL can be any type of marker that forms a representation of a resource. Applicant respectfully disagrees with such an assertion. The ordinary meaning of URL (uniform resource locator) is the address of a resource on the internet. Thus, the URL is the web address where the resource can be located and not simply any type of marker, as the Examiner suggests. In view of this, it is clear that Fanning does not teach "receiving a response to the request containing a local alias URL" since Fanning merely teaches a search response containing file descriptions matching a search request (Col. 3, lines 17-18) where the file description can contain a file name (Col. 10, lines 49-65). Clearly, merely disclosing a file name, as in Fanning, does not meet applicant's specific local alias URL.

In addition, the Examiner has stated that Fanning teaches URL's that are returned as results of a file search, which correspond to various back-end servers. Again, applicant respectfully disagrees. Simply nowhere in Fanning is there any disclosure of a "backend server" in the context claimed by applicant, namely broadcasting a request "for a task with respect to a remote non-local backend server." In fact, Fanning teaches the "distribution of data files between users in a networked community of users... where each user [has] a distribution application...[and] the distribution application additionally includes a data file

transfer server that makes available all data files" (see Abstract). Thus, in Fanning, users only download files from the data file transfer servers of other users, and not from backend servers, as claimed by applicant.

Second, regarding the concept presented in placing objects in a black list, the Examiner has concluded that it would have been obvious to one of ordinary skill in the art at the time the invention was made to place offending servers into a black list. Applicant respectfully disagrees with such an assertion. The cited prior art specifically relates to a transaction between a client and a terminal, where the terminal is a fixed point-of-transaction (POT) apparatus, such as an ATM (see Ritter [0002-0003]). Further, Ritter teaches that the POT apparatus contains a blacklist of clients to be barred from using the apparatus ([0061] and [0074]).

Thus, it would not have been obvious to combine Ritter's POT invention with applicant's peer-to-peer network since they are of completely different fields of endeavor. Moreover, Ritter completely fails to teach placing a server node on a black list if the receipt packet is not from the remote non-local backend server to which the request was broadcasted. Ritter doesn't even teach the means by which a user is placed on the blacklist, but simply discloses the use of a blacklist. In view of this, it is clear that it would not have been obvious to take Ritter's (or any of the other cited references', for that matter) mere mention of a "blacklist" and modify it to meet applicant's specific claim language.

Third, the Examiner has stated that in light of Fanning's teaching of filtering servers by parameters of bandwidth, dependability, etc. it would have been obvious to one of ordinary skill in the art at the time of the invention to place the filtered servers into a group, such as a blacklist in view of Ritter's teachings. Applicant agrees that Fanning teaches filtering servers by parameters of bandwidth, but applicant asserts that such servers are filtered before the request is broadcasted by the user entering search criteria into the search module that limits bandwidth to a network (see Col. 10, lines 55-65).

Applicant, on the other hand, claims "awaiting a maximum upload receipt time period for receiving the receipt packet" (see Claim 3 et al.) and "placing the server node in the black list of the requesting peer if a receipt packet fails to arrive within said maximum upload receipt time period" (see Claim 4 et al.). In addition, applicant claims "wherein the

maximum upload receipt time period is set based on a frequency of which an uploading service at the responding server node performs an upload, a size of a file being uploaded, and a transmission speed" (see Claim 17). Thus, applicant's claim language clearly differs from Fanning's disclosure in that applicant only places the server node on the blacklist if it does not send a receipt packet before the specified time period, and not simply based on a predetermined bandwidth as taught by Fanning.

Lastly, the Examiner has stated that Morris does teach "forwarding the task to the local alias URL from performance of the task by the responding server node" (see independent claims) including "forwarding a file to be uploaded to the remote non-local backend server" (see Claim 8 et al.). The Examiner has stated that, in Morris, one of the users requests the other user to upload a file and that the representation of the receiving user is also in URL form. Applicant respectfully asserts that Morris simply teaches users sending a receiving, and not forwarding a file to be uploaded to the remote non-local backend server, as claimed by applicant. Specifically, applicant claims that a peer broadcasts the request (see independent claims) and then the file is forwarded to be uploaded to a remote non-local backend server, and not simply file sharing between two users as in Morris.

Nevertheless, despite such paramount distinctions and in the spirit of expediting the prosecution of the present application, applicant has amended each of the independent claims to incorporate the subject matter of dependent Claims 3 et al. and 17. Applicant respectfully asserts that the prior art does not meet dependent Claims 3 et al. and 17 for substantially the reasons stated above.

In addition, applicant respectfully asserts that the prior art does not meet applicant's remaining claim language for substantially the same reasons as argued with respect to the prior office action.

For example, the Examiner relies on the following excerpts from Fanning to make a prior art showing of applicant's claimed "receiving a response to the request containing a local alias URL, the local alias URL pointing to a destination on a responding server node" (see this or similar, but not identical, language in all of the independent claims).

"...distribution application, wherein the search response comprises file descriptions matching the search request." (Column 3 lines 17-18)

"...an automatic selection module, wherein a data file description is automatically selected and the associated data file is downloaded, the automatic selection module choosing a data file description..." (Column 3 lines 50-52)

"FIG. 6 shows the preferred embodiment, where the system of the present invention utilizes a search module 806 for searching the file index, in which a search request submitted by the distribution application 800 is processed and a search response, containing file descriptions matching the search request, is returned to that distribution application 800. When a user wishes to locate a particular data file, the search module 800 constructs a search request to the file index 810 based on the search criteria specified by the user through the distribution application 800. The search criteria can contain a complete filename or a subsection of the filename, limitations on any of the fields of ancillary data, the file size, or limitations on the file transfer server including bandwidth to network or percentage of successful downloads. The index server 808 executes the search request, prunes the file descriptions as appropriate, and displays the search response to the user." (Column 10 lines 49-65)

Such excerpts, however, merely suggest search responses including file descriptions. There is not even a suggestion, however, of any sort of responses including a URL, let alone a local alias URL that points to a destination on a responding server node.

The Examiner purports that "the returned results and data file descriptions are in URL form." Applicant respectfully disagrees. Such file descriptions merely comprise: a title of the data file, the size of the data file, the type of data file, any text associated with the data file, the creator of the data file, the quality rating of the data file, and the distribution application where the data file resides. None of such entities involve a URL, as specifically claimed. Only applicant teaches and claims such a local alias URL pointing to a destination on a responding server node, in the context of the claimed invention.

Still yet, the Examiner relies on the following excerpt to make a prior art showing of applicant's claimed "forwarding the task to the local alias URL for performance of the task by the responding server node" (see this or similar, but not identical, language in all of the independent claims).

"Using the displayed sorted search response, the user can select one of the data file descriptions, thus initiating a download of the data file using the file transfer client 114. The user interface 118 shows

> the status of each download. Any download can be canceled prior to completion. Interrupted downloads are displayed as well.
>
> In the preferred operation, the system of the present invention distributes data files as shown in FIG. 4. After a distribution application is connected to the system, the process begins 400. The first step 402 is that a first distribution application connects to a second distribution application. Following, the next step 404 is that the first distribution application requests a data file from the second distribution application. In step 406, the second distribution application transmits the data file to the first distribution application. Next, in step 408, the first distribution application stores the data file into the data file repository. Then, as shown in step 410, the data file is placed in the first distribution data file repository and is automatically made available to other distribution application in the community." (Column 12 lines 8-28)

By virtue of the fact that Fanning does not even suggest a response including a URL, as claimed, there can not be a suggestion of any sort of forwarding of the task to the local alias URL for performance of the task by the responding server node.

Even still yet, the Examiner relies on the following excerpt from Fanning to make a prior art showing of applicant's claimed "wherein, after said receiving, a message is broadcasted indicating that the requesting peer has located the responding server node" (see this or similar, but not identical, language in all of the independent claims).

> "Using the displayed sorted search response, the user can select one of the data file descriptions, thus initiating a download of the data file using the file transfer client 114. The user interface 118 shows the status of each download. Any download can be canceled prior to completion. Interrupted downloads are displayed as well." (Column 12 lines 8-13)

The Examiner continues by arguing that "where the downloading from the server would necessitate the reception of a message that the requestor has located the responding server." Applicant respectfully disagrees with this assertion, as downloading from the server would not necessitate the broadcasting of a message indicating that the requesting peer has located the responding server node, especially after receiving a response to its request, as claimed.

It appears that the Examiner has relied on an inherency argument regarding the above emphasized claim limitations. In view of the arguments made hereinabove, any such inherency argument has been adequately rebutted, and a notice of allowance or a specific

prior art showing of such claim features, in combination with the remaining claim elements, is respectfully requested. (See MPEP 2112)

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above. Again, a notice of allowance or a specific prior art showing of each of the foregoing claimed features, in combination with the remaining claimed features, is respectfully requested.

In conclusion, all of the independent claims are deemed allowable. By virtue of their dependence on such independent claims, all of the remaining claims are further deemed allowable.

Reconsideration is respectfully requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. For payment of the

fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. NAI1P277_01.016.01).

Respectfully submitted,
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